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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,572	05/25/2006	Marie-Ange Juliette Etiennette Badet-Denisot	0508-1155	1034
466 YOUNG & TH	7590 05/01/200 OMPSON	EXAMINER		
209 Madison St	reet	FRONDA, CHRISTIAN L		
Suite 500 ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			1652	
			MAIL DATE	DELIVERY MODE
			05/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)		
	10/563,572	BADET-DENISOT ET AL.		
Office Action Summary	Examiner	Art Unit		
	CHRISTIAN L. FRONDA	1652		
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period vor Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status				
 Responsive to communication(s) filed on 11 Fee This action is FINAL. Since this application is in condition for alloward closed in accordance with the practice under Entertain Entertain Section 1. 	action is non-final. nce except for formal matters, pro			
Disposition of Claims				
4) ☐ Claim(s) 20-38 is/are pending in the application 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 20-38 are subject to restriction and/or	wn from consideration.			
Application Papers				
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomposed and all accomposed and all all all all all all all all all al	epted or b) objected to by the Eddrawing(s) be held in abeyance. See iion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate		

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DETAILED ACTION

The previous restriction requirement has been withdrawn in favor of the instant restriction requirement stated below.

Election/Restriction

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

- Invention 1 Claim(s) 20-29 and 36, drawn to an enzymatically-active glutamine:fructose-6-phosphate amidotransferase and composition.
- Invention 2 Claim(s) 30-32, drawn to a nucleic acid, recombinant vector and vector.
- Invention 3 Claim(s) 33-35, drawn to a purification process for a protein from a solution comprising brining said solution into the presence of a compound binding specifically tot the purification tag of said protein.
- Invention 4 Claim(s) 37, drawn to a method for screening of compounds modifying the activity of a protein.
- Invention 5 Claim(s) 38, drawn to a method for screening of compounds useful for treatment or prevention of diabetes, in particular type II diabetes, obesity, acidosis, ketosis, arthritis, cancer, or osteoporosis.

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The inventions listed as Inventions 1-5 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

A same or corresponding technical feature shared among Inventions 1-5 is an enzymatically-active protein comprising a GFAT (glutamine:fructose-6-phosphate amidotransferase) sequence and at least one purification tag sequence being inserted between two consecutive amino acids of the GFAT sequence. However, the combination of the references of Chang et al. (J Biol Chem. 2000 Jul 21;275(29):21981-7; PTO 892) and Ferguson et al. (Protein Sci. 1998 Jul;7(7):1636-8; PTO 892) teach such enzymatically-active protein.

Chang et al. teaches the human glutamine:fructose-6-phosphate amidotransferase fused to glutathione S-transferase, which was found to have low specific activity (see entire publication especially pages 21982-21986). Ferguson et al. teach FhuA having an internal hexahistidine purification tag inserted after amino acid 405 which resides in a known surface-exposed loop.

Therefore, it would have been obvious to one of ordinary skill in the art to insert the internal hexahistidine purification tag taught by Ferguson et al. between two amino acids located on surface-exposed loops on the glutamine:fructose-6-phosphate amidotransferase (GFAT) taught by Chang et al. One of ordinary skill in the art would have been motivated to do this for the purposes facilitating purification of the human GFAT taught by Chang et al. with greater specific activity compared to the GFAT fused to glutathione S-transferase.

Thus, the same or corresponding technical feature is not special since it was known in the prior art and therefore cannot make a contribution over the prior art. Since the inventions lack the same or corresponding special technical feature, then the inventions listed as 1-5 are not so linked as to form a single general inventive concept under PCT Rule 13.1.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows: SEQ ID NOs: 1-12.

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Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

A same or corresponding technical feature shared among the species is an enzymatically-active protein comprising a GFAT (glutamine:fructose-6-phosphate amidotransferase) sequence and at least one purification tag sequence being inserted between two consecutive amino acids of the GFAT sequence. However, the combination of the references as stated above of Chang et al. (J Biol Chem. 2000 Jul 21;275(29):21981-7; PTO 892) and Ferguson et al. (Protein Sci. 1998 Jul;7(7):1636-8; PTO 892) teach such enzymatically-active protein.

Thus, the same or corresponding technical feature is not special since it was known in the prior art and therefore cannot make a contribution over the prior art. Since the species lack the same or corresponding special technical feature, then the species listed SEQ ID NOs: 1-12 are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP § 821.04. Process claims that depend from or otherwise include all the limitations of the

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patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103, and 112. Until an elected product claim is found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowed product claim will not be rejoined. See "Guidance on Treatment of Product and Process Claims in light of In re Ochiai, In re Brouwer and 35 U.S.C. § 103(b)," 1184 O.G. 86 (March 26, 1996). Additionally, in order to retain the right to rejoinder in accordance with the above policy, Applicant is advised that the process claims should be amended during prosecution either to maintain dependency on the product claims or to otherwise include the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.**

Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian L Fronda whose telephone number is (571)272-0929.

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The examiner can normally be reached Monday-Thursday and alternate Fridays between 9:00AM - 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat Nashed can be reached on (571)272-0934. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian L. Fronda/
Patent Examiner
Art Unit 1652